

B. Remarks

Claims 1-12 are pending in the application. Applicants acknowledge with appreciation the withdrawal of the Cantley and Krystal references in view of their last response, filed November 25, 2004. Accordingly, the sole rejection in this application is of claims 1-3 and 5 under § 102(a) as anticipated by Mesfin *et al.*, 2001. *See* Advisory Action, mailed December 30, 2003.

Applicants respond to this remaining rejection below.

Rejection of Claims 1-3 and 5 under 35 U.S.C. §102(a)

Claims 1-3 and 5 stand rejected under 35 U.S.C. §102(a) as anticipated by Mesfin *et al.*, 2001 (C8 on the IDS, hereafter "Mesfin"). Applicants traverse for the following reasons.

Mesfin was published in March 2001, and was written by the joint inventors of the instant application. Mesfin discloses sequences EMTOVNOG (SEQ ID NO:4) and EMTOVNOGQ (SEQ ID NO:5), which are also the subject matter of claims 1-3 and 5. Applicants assert that these sequences were first invented by the present inventors prior to the March 2001 publication date of Mesfin. Applicants submit herewith a declaration of prior invention under 37 C.F.R. § 1.131, executed by all the inventors, and attesting to the conception and reduction to practice of at least SEQ ID NOS: 4 and 5 in the United States, prior to the publication of Mesfin. Since applicants have established that the subject matter of the present claims was invented prior to the publication date of Mesfin, it is not prior art under § 102(a), and cannot anticipate claims 1-3 and 5.

Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claim Objections

The Examiner objects to claims 6-8 for depending upon a rejected base claim. These claims depend, directly or indirectly, from claim 1, and therefore stand or fall with the rejections of claims 1. In view of the arguments above, the remaining rejection to claim 1 has been overcome. Thus, the objections to claims 6-8 should be withdrawn.

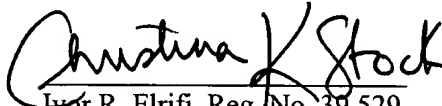
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Summary

On the basis of the foregoing remarks, Applicants respectfully submit that this paper is fully responsive, and that the pending claims are in condition for allowance. Such action is respectfully requested. If there are any questions regarding the content of this paper, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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